

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

THE STATE OF ARIZONA, et al.,

PLAINTIFFS,

v.

MERRICK GARLAND in his official capacity
as Attorney General of the United States of
America; et al.,

DEFENDANTS.

CIVIL ACTION NO. 6:22-cv-01130

LOUISIANA’S RE-FILED MOTION TO COMPEL

Under Federal Rule of Civil Procedure 37, and consistent with the Court’s November 6, 2023 order, Doc. 195, permitting Plaintiff the State of Louisiana to “re-file”¹ the still-live portions of its May 2023 motion to compel, Docs. 168–168-13, Louisiana respectfully moves for an order compelling DHS² to **(1)** respond to interrogatories 1–12 of Louisiana’s third set of discovery, Doc. 168-6 at 8–15; and **(2)** disclose the factual and legal grounds for DHS’s contentions that Louisiana lacks standing.

Under the third sentence of Local Civil Rule 7.5, Plaintiff the State of Louisiana respectfully requests that the Court expedite its consideration of Louisiana’s re-filed motion. Specifically, Louisiana requests that the Court direct DHS to respond to this re-filed motion by December 4, 2023. That proposed twelve-day deadline is five days more than the seven days Louisiana had to re-file its motion after receiving on November 15 a transcript of the Court’s November 6 hearing and is otherwise reasonable given that discovery will soon close and the motion has already been fully briefed.

¹ See also Exh. A, 11/6/23 Hearing Transcript, at 4:13–16 (permitting Louisiana to “file another motion” raising the still-relevant parts of Louisiana’s May 2023 motion to compel, Docs. 168–168-13).

² Louisiana refers to the federal defendants collectively as “DHS.”

There is good cause for expedited consideration. The narrow issues the re-filed motion to compel raises have already been fully briefed and were ripe for the Court's review as of June 2023. *See* Doc. 168-1 (Louisiana's 5/23/23 motion), Doc. 174 (DHS's 6/13/23 response), Doc. 176 (Louisiana's 6/19/23 reply). Discovery will soon close (on 12/15/23), and DHS's deadline to file its Rule 12(b)(1) motion is approaching (on 12/22/23); to have any practical effect, an order granting Louisiana's re-filed motion would need to issue sufficiently in advance of the close of discovery.

Dated: November 22, 2023

Respectfully submitted,

JEFF LANDRY
ATTORNEY GENERAL OF LOUISIANA

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LOCAL RULE 37.1 CERTIFICATE

On May 22, 2023, counsel for Louisiana conferred with counsel for DHS by phone for purposes of amicably resolving the discovery disputes outlined in Louisiana’s second motion to compel, Docs. 168–168–13, which was part protective and part affirmative. The next day—the then-close of discovery—counsel for Louisiana conferred with counsel for DHS by email to try to amicably resolve the dispute over DHS’s refusal to answer interrogatories 1–12 of Louisiana’s third set of discovery based on DHS’s belief that Louisiana had exceeded the 25-interrogatory limit of Federal Rule of Civil Procedure 33(a)(1). The unresolved issues relating to those interrogatories spurred this motion, which the Court permitted Louisiana to “re-file . . . if any document discovery issues remain.” Doc. 195; *see also* Exh. A, 11/6/23 Hearing Transcript, at 4:13–16 (permitting Louisiana to “file another motion” raising the still-relevant parts of Louisiana’s second motion to compel, Docs. 168–168-13).

/s/ Jordan Bailey Redmon
Jordan Bailey Redmon
Assistant Solicitor General
Counsel for Plaintiff State of Louisiana

CERTIFICATE OF SERVICE

I certify that on November 22, 2023, I electronically filed this document using the CM/ECF system, which will automatically send electronic notice of filing to all counsel of record.

/s/ Jordan Bailey Redmon
Jordan Bailey Redmon
Assistant Solicitor General
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